

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

EARNEST J. FILES, JR.,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	3:20cv387-MHT
	)	(WO)
JEREMY DUERR, Tallapoosa	)	
County District Attorney,	)	
et al.,	)	
	)	
Defendants.	)	

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (doc. no. 6) is adopted.

(2) Plaintiff's claims for malicious prosecution are dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as these claims are not yet ripe for review.

(3) Plaintiff's claims which go to the fundamental legality of the assault conviction imposed upon him in

April 2019 by the Circuit Court of Tallapoosa County, Alabama are dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims provide no basis for relief in the instant cause of action.

(4) All of plaintiff's remaining claims are dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) or (ii) for the reasons set forth in the recommendation (doc. no. 6).

No costs are taxed.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 2nd day of November, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE